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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,684	12/26/2001	Esther Wessels	P 290427 3711US/CNT1	6038
909	7590	02/03/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER
			1711	
DATE MAILED: 02/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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This is in response to the brief on appeal filed September 09, 2003.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-11 and 23-28

Claim 12 withdrawn from consideration as not directed to the elected invention
Claims 13-22 have been canceled.

(4) Status of Amendments After Final.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on April 30, 2003 has not been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

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The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-11 and 23 -28 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record


The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

8041291;	JP	02-1996
6280520	ANDES ET AL	08-2001
6080520	KEHAL	03-2000
6184282	GAREISS ET AL	02-2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 8041291 in view of Andes et al ((USP 6280520) and Kehal(USP 6043304) or Gareiss et al (USP 6184282).

 JP'291 disclose a ^{laser}~~large~~ markable composition comprising (A) an epoxy, (B) a phenolic curing agent, (C) an inorganic filler, (D) a curing accelerator, (E) carbon

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black and, (F) antimony trioxide with a mean particle diameter of. 0.1-20 microns at 0.2-5-wt %.

JP '219 does not mention melamine cyanurate as a flame retardant and nacreous pigment.

Andes disclose multiplayer pearl luster pigments, which are useful in compositions for laser marking (col. 2 lines 43-46). A nacreous pigment is a pigment possessing luster. Pigments of Andes therefore read on (claimed) nacreous pigment.

Kahal and Gareiss disclose compositions containing melamine cyanurate as a flame retardant.

It would have been obvious to use in the composition of JP '291, the lustrous pigment (of Andes as the filler) and melamine cyanurate (of Kehal or Gareiss) as a flame retardant in order to enhance the brightness i.e. ~~of~~ ^{of laser} luster-marked portion/s and to achieve flame retardance without evolution of obnoxious halogen vapors.

(11) Response to Argument

Appellants statement on page 10 (of the appeal brief), that" the general description in cols 2-6 and examples of Andes do not provide any details of end use application including laser marking" is correct. Nevertheless Ande's suggestion to use the pigment/s for laser-making should surely serve as an appropriate direction to a person of ordinary skill in the art to use the pigment in a laser-making composition with the possibility that one can obtain better product/s using such pigment/s.

Appellants refer to "dark" colors, "deep" colors etc. It is noted that "dark" and "light" are qualitative expressions and they are relative. A particular color can be light with respect to one color but can be dark when compared with still another color.

Appellants' argument against combination of US' 520 with JP'291 is therefore not persuasive. In particular, the appellants' argument (on page 11) that "adding a dark colored pearl luster pigment to carbon black based composition would not make the composition light color etc. " is not persuasive because a carbon black based composition containing only 0.1% by wt of carbon black (as disclosed by JP'291) can never be black like tar or coal. It is likely to be pale grey in color and dark making on the background of such a pale grey composition can always be produced.

Appellants' next argument (on page 14) regarding the amount of at least 0.1 by wt of nacreous pigment is also not persuasive because the primary reference JP '291 requires a pigment (like carbon black) in amounts of 0.1 to 1.0 % by wt. JP' 291 does therefore suggest the amount of pigment/s to be used.

Contrary to the appellants' argument, it would have been prima facie obvious to add melamine cyanurate of Kehal or Gareiss because the flame retardants of JP'291 emit obnoxious halogen vapors which is not the case with melamine cyanurate..

Though Kehal & Gareiss use polymeric matrices which are different from that of JP '291, it is reasonable to expect that melamine cynurate would work equally effectively in the polymeric matrix of JP' 291 unless proved otherwise.

Claims 24 & 25 encompass a limitation of contrast value of at least 1.5. This is not disclosed by prior art. Nonetheless composition of prior art, it can be reasonably

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assumed, inherently satisfies this & other limitations because the said composition contains claimed ingredients in same, similar or overlapping amounts. Additionally it is within the expertise of one to vary particle size (such as that of antimony trioxide, see instant claim 26) to optimize properties of end product.

For the above reasons, it is believed that the rejections should be sustained.



Respectfully submitted,



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January 22, 2004



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